

**Board of Selectmen
August 28, 2019
Meeting Minutes**

VanCor opened the meeting at 6:00 PM. Norm VanCor, Jeanny Aldrich, Alissa Thompson and Susan Rigg were in attendance.

PUBLIC COMMENT: Jeff Scott asked for permission to put up an Old Home Day Banner at the transfer station. The Board of Selectmen (BOS) agreed this is acceptable.

OLD BUSINESS: Estimated dates to revisit the following items are noted.

Town Hall Annex Plans: October 28, 2019
Marsh House: December 24, 2019
Camp Spofford Agreement: April 2020
Town Policies: November 1, 2019 Jeanny
Personnel Policy: November 1, 2019 Jeanny
Health & Safety Policy: November 1, 2019 Jeanny
Conservation Commission Authority: May - Norm
CMP: October 9- Jon

NEW BUSINESS: Tax deeding list: Thompson advised the Board that Ken Cook found payment plan information for some property owners. The details will be discussed in Non-Public session.

CORRESPONDENCE: The BOS received a letter from Julianne Dodson about joining the Economic Development Committee. Aldrich said Phil Shaw resigned from the EDC, so having Julianne would be an asset. Thompson will ask Ms. Dodson to come to a BOS meeting.

Thompson provided an invitation from the television station WMUR to be included on their storm closing announcements. There is a \$150 fee for the service. It was agreed there is not a need for this service.

OTHER BUSINESS:

Thompson advised that Champion Overhead Door Company bid \$5,306 to replace the sally port door at the Police Department. The purchase of the door was approved.

Aldrich is concerned that one vendor has access to town computers. She wants to rewrite the remote computer access policy and will work with Nancy Aichele and Alissa Thompson.

MINUTES: *VanCor moved to approve the minutes of August 14, 2019 as amended. Aldrich seconded the motion and it was approved unanimously by roll call vote.*

VanCor made a motion to approve the Non-Public #1 minutes of August 14, 2019. Aldrich seconded the motion and it was approved unanimously by roll call vote.

VanCor made a motion to approve the Non-Public #2 minutes of August 14, 2019. Aldrich seconded the motion and it was approved unanimously by roll call vote.

VanCor made a motion to approve the Non-Public #3 minutes of August 14, 2019. Aldrich seconded the motion and it was approved unanimously by roll call vote.

The meeting was recessed at 6:50 for the Summer Information Session. At 8:34 PM the meeting reconvened and Jon McKeon asked to join the meeting via Skype. He said he was unable to attend the meeting in person due to a job-related issue and was alone in his office. VanCor made a motion to allow McKeon to join the meeting. Aldrich seconded the motion and it was approved unanimously by roll call vote.

Van Cor moved to enter Non-Public session per RSA 91-A: 3, II (C) to discuss a property tax issue. Aldrich seconded the motion and it was approved unanimously by roll call vote.

VanCor moved to come out of Non-Public session. Aldrich seconded the motion and it was approved unanimously by roll call vote.

VanCor moved to enter Non-Public session per RSA 91-A:3, ii (c) to discuss tax deeding of property. Aldrich seconded the motion and it was approved unanimously by roll call vote.

VanCor moved to exit Non-Public session. Aldrich seconded the motion and it was approved unanimously by roll call vote.

VanCor moved to enter Non-Public session per RSA 91-A:3, ii (A) to discuss an employee contract. Aldrich seconded the motion and it was approved unanimously by roll call vote.

VanCor moved to exit Non-Public session. Aldrich seconded the motion and it was approved unanimously by roll call vote.

VanCor made a motion to seal the Non-Public minutes 1, 2 and 3. Aldrich seconded the motion and it was approved unanimously by roll call vote.

OTHER BUSINESS: Phillip Riendeau asked VanCor, earlier in the evening during meeting recess, if he could park a school bus at the parking lot adjacent to the Town Office. The school won't allow him to park the bus on their property, he said. McKeon said he will reach out to the school Principal to determine why they won't allow him to park on school property.

VanCor moved to enter Non-Public session per RSA 91-A:3 ii (e). Aldrich seconded the motion and it was approved unanimously by roll call vote.

VanCor moved to come out of Non-Public session. Aldrich seconded the motion and it was approved by unanimous roll call vote.

The BOS agreed the information included in the last Non-Public session is actually public information and should be included in the regular minutes as follows:

VanCor outlined the facts of the property line along the southerly line of the Martini property and the northerly line of Town of Chesterfield (Ware's Grove) property. Information also includes the stream from Route 9A to S. Lake.

Anthony and Marisa Martini purchased property May 1984 from Herman & Paula Finkenstadt (v. 1060 Pg 201). In the metes & bounds, the property corner at stream outlet to S Lake is described as "Southerly on the shore of said lake 120' to a stake and stones".

Going back to a map recorded in the Cheshire County Registry of Deeds Bk 4/Pg. 22, there are 3 Iron Pins (I/P) shown on the map but none on the Property Line (P/L) in question.

L.S. David Mann did some land surveying on that property in 1987. He states he found an I/P near the intersection of the stream and the Lake, but it did not agree with metes and bounds. It looked like it had been moved to the top of the bank. He again went out there in 2008 to do some work and no I/P was found. No maps were recorded.

In 1996, Martini applied to DES for permits to construct a 400 linear foot block wall, brook discharge apron, culvert & other related construction (permit #1996-00135). Minor Engineering prepared a site plan, creek plan and other drawings. The plan shows the southerly P/L mostly north of the stream until close to the Lake where the P/L is pretty much center Line (C/L) of stream. Nowhere on that line are any I/Ps shown- only on the northerly P/L. As an aside, Martini was granted a time extension for the granted permits but very little of the work was performed and what construction was done appears to violate the DES permit requirements.

In 2018, prior to Rawson Construction performing the stream reconstruction, VanCor happened to see A. Martini, Jr. at the stream outlet. Martini, Jr. said he thought there was an I/P there. We looked but did not find one.

As part of the Town's permit process, DES asked for more information on the Town/Martini P/L. A title search was performed. VanCor informed Martini, Sr. by email in Feb 2018 that we were sending land surveyors from Fuss & O'Neill out to survey the line and accurately locate the stream for the construction drawings. Fuss & O'Neill found no I/P but the information at hand was consistent with existing conditions in the field. Mapping was completed and approved by DES showing the P/L weaving in and out of the stream location and at the intersection with the lake, the P/L is at almost the C/L of the stream.

After the reconstruction of the stream, Rawson installed a new fence. It was placed on Town property in a convenient location so as not to interfere with any stream activity or planting requirements.

After construction was complete, DES ordered the town to make certain modifications to the stone apron at the stream outfall to the lake. A letter from A. Martini, Jr. through his attorney, prohibited any future activity on their property. A "Private Property- No Trespassing, Violators Will Be Prosecuted" sign was put up by A. Martini, Jr., or by someone at his request. The sign was installed approximately at the extension of the fence & closer to the lake shore (see photos). The sign is several feet away from the documented P/L and is on Town property.

A courtesy letter was sent to A. Martini, Jr. asking him to remove the sign within one week or we would do so and place it on his property (certified letter dated 8/15/2019). It was not removed by A. Martini, Jr.

On 8/21/2019, Chris Lord was directed by the Board of Selectmen to remove the sign. He was instructed to take an officer from our Police Department with him. Chief Chickering accompanied Chris Lord. A discussion ensued with A. Martini, Jr. at the sign location and Lord and Chickering left without removing the sign.

The NH Law of Adverse Possession is a long and arduous process. However, if that sign is allowed to remain, it is possible that the Town could lose possession of certain land.

There is clear and documented evidence where the P/L is. The BOS knew this throughout the planning, design and construction process. The sign is located several feet inside Town property. In the best interest of the Town, the sign should be removed.

If there is any dispute of the location of the P/L or corners by the Martini's, it is incumbent on the Martini's to produce evidence to support their position, not the Town.

The BOS agreed to instruct Chris Lord to remove the "No-Trespassing" sign. Before removal, he will measure and document the distance from the sign to the center line of the stream.

With no further business to discuss, VanCor moved to adjourn. Aldrich seconded the motion and it was approved unanimously by roll call vote.

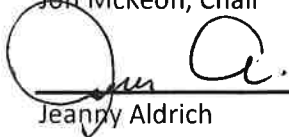
Respectfully submitted,

Susan Rigg

Approved:

Jen McKeon, Chair

Date



9/18/19

Jeanny Aldrich

Date



9/18/19

Norman VanCor

Date